

IN THE UNITED STATES DISTRICT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	Case No. 05-MC-9067-DW
)	
DAVID A. MILLER)	
)	
Respondent.)	

ORDER

Before the Court is Petitioner's Motion to Dismiss. (Doc. 13). Petitioner moves to dismiss the above-captioned case with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(2).

Pursuant to the Court's Order of December 6, 2005, Respondent complied with the "delinquent returns summons" issued by the Internal Revenue Service. Respondent did not, however, fully comply with the "collection information" summons. After failing to appear at a show cause hearing set for March 28, 2006, the Court advised counsel for the United States to contact Respondent's representative in an effort to resolve the remaining compliance issues. Respondent subsequently submitted full payment for the outstanding tax liability for which collection information was sought, thereby mooted the need to seek enforcement of the "collection information" summons.

For the forgoing reasons, Petitioner's summons enforcement action is DISMISSED WITH PREJUDICE. Fed. R. Civ. P. 41(a)(2). The Clerk of the Court shall mark this case as CLOSED.
IT IS SO ORDERED

/s/ DEAN WHIPPLE
Dean Whipple
United States District Judge

DATE: April 21, 2006